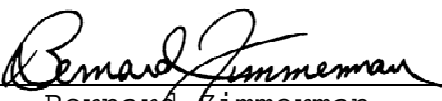


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARCHIE LEE GATES,)
)
Plaintiff(s),) No. C10-0972 BZ
)
v.)
) **ORDER**
CARQUEST CORPORATION,)
)
Defendant(s).)
)
_____)

In view of the parties stipulating to an amended complaint (Docket No. 37), **IT IS HEREBY ORDERED** that the motion to dismiss or transfer (Docket No. 13) is **DENIED AS MOOT**. The hearing scheduled for October 20, 2010 is **VACATED**.

Dated: September 20, 2010



Bernard Zimmerman
United States Magistrate Judge

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TO DISMISS AS MOOT.wpd